

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

Martin Meijn,

Plaintiff

vs.

Knife River Corporation, a foreign
business corporation

Defendant.

Civil No.

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Martin Meijn (Meijn), for his Complaint against Defendant Knife River Corporation, states and alleges:

1. Plaintiff Martin Meijn is a citizen of Manitoba, Canada, residing in Lorette, Manitoba.

2. Defendant Knife River Corporation is a Delaware Corporation, authorized to and doing business in North Dakota.

3. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1332(a) in that the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. On June 11, 2017, at approximately 7:55 a.m., Plaintiff Meijn was operating a motorcycle traveling northbound on Highway 20 in Stutsman County, North Dakota.

5. While traveling on Highway 20, Meijn encountered mud, dirt, or clay on the roadway surface, at and while entering a curve in the road.

6. Meijn slowed and tried to avoid the mud, on the roadway's surface, but was unable to do so, resulting in a loss of control of said motorcycle, which then crashed and overturned onto its right side.

7. At all times material herein, Defendant Knife River Corporation was engaged in a road construction project in and around the area of the subject collision, and during the course of its road construction activities deposited the dirt or clay upon the roadway surface.

8. The condition of the road surface was hazardous to users of the roadway because of a combination of foreseeable environmental conditions (it had rained) and the deposit of dirt and/or clay upon the roadway surface by the activities of Defendant Knife River Corporation.

9. Defendant Knife River Corporation, by and through its employees or servants, was negligent in the conduct of its activities while using Highway 20, including:

- a. In depositing upon said roadway dirt or clay which turned into mud in inclement wet weather
- b. In failing to remove said dirt or gravel, which turned into mud, from the roadway surface, and/or
- c. In failing to provide timely and effective warning of the adverse roadway conditions created by the combination of said dirt or clay and the environmental rain conditions.

10. In addition to other duties, Defendant Knife River Corporation was under a duty pursuant to N.D.C.C. 39-10-59(1), to not deposit upon the highway any substance likely to injure a person or vehicle, and pursuant to § 2 of said statute, was required to “immediately remove or cause to be removed the material” from the roadway surface.

11. Defendant Knife River Corporation failed to comply with its obligations under N.D.C.C. 39-10-59 with respect to the dirt, clay, or mud upon the surface of Highway 20.

12. The negligence of Defendant Knife River Corporation proximately caused Plaintiff Martin Meijn to sustain severe and permanent injuries to his body, including injuries to his neck, low back, shoulder, and hip, causing chronic and ongoing pain.

13. As a result of said collision, Plaintiff Martin Meijn has sustained damages due to bodily injury, including past medical expenses in excess of \$11,000, future medical expenses to be established at trial, past income loss exceeding \$2,960, future loss of earning capacity, pain, suffering, emotional distress, and mental anguish, all as defined in N.D.C.C. § 32-03-2.04, in an amount in excess of \$75,000.

WHEREFORE, Plaintiff Martin Meijn demands judgment against Defendant Knife River Corporation for reasonable damages in excess of \$75,000, together with his costs and disbursements in this action.

TRIAL BY JURY DEMANDED.

Dated: May 24, 2022.

MARING WILLIAMS LAW OFFICE, P.C.

By: _____



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